

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ELEVEN ENGINEERING, INC. and  
ELEVEN ENGINEERING GAME  
CONTROL LLC,

Plaintiffs,

v.

NINTENDO CO., LTD., NINTENDO  
OF AMERICA INC., SONY  
COMPUTER ENTERTAINMENT  
AMERICA LLC (f/k/a SONY  
COMPUTER ENTERTAINMENT  
AMERICA INC.) and MICROSOFT  
CORPORATION,

Defendants.

Case No. 1:09-cv-00903-LPS

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**JOINT MOTION TO ENTER ORDER OF PARTIAL DISMISSAL  
AS BETWEEN MICROSOFT CORPORATION AND ELEVEN ENGINEERING,  
INC. AND ELEVEN ENGINEERING GAME CONTROL LLC**

Plaintiffs, Eleven Engineering, Inc. and Eleven Engineering Game Control LLC (“Eleven Engineering”) and Defendant Microsoft Corporation (“Microsoft”) hereby jointly move the Court to enter an Order of Partial Dismissal as to Eleven’s claim of infringement of U.S. Patent No. 6,346,047 against Microsoft in the form attached hereto as Exhibit A. As set forth in the form of the Order, no other claim alleging infringement of U.S. Patent No. 6,684,062 (“the ‘062 patent”) by Microsoft or claim alleging infringement of U.S. Patent No. 6,346,047 by the other defendants are addressed hereby, and Eleven Engineering retains all of its rights to continue to pursue its allegations of infringement of the ‘062 patent by Microsoft.

PROCTOR HEYMAN ENERIO LLP

/s/ Dominick T. Gattuso

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